Attorney Docket No.: 01115\_1013 Patent

## **AMENDMENT AND PRESENTATION OF CLAIMS**

Please replace all prior claims in the present application with the following claims.

1. (Currently Amended) An immersion upper layer film composition applied to coat on a photoresist film when using an immersion exposure device which is irradiated through water provided between a lens and the photoresist film, and the composition comprising a resin forming a water-stable film during irradiation and being dissolved in a subsequent developer, and a solvent containing a monovalent alcohol having 6 or less carbon atoms, and the resin includes a <u>recurring</u>

repeating-unit having an alcoholic hydroxyl group on a side chain containing a fluoroalkyl group

on at least the carbon atom of the  $\alpha$ -position.

- 2. (Canceled)
- 3. (Canceled)

4. (Previously Presented) An immersion upper layer film composition for being applied to coat on a photoresist film when using an immersion exposure device which is irradiated through water provided between a lens and the photoresist film, and the composition comprising a resin forming a water-stable film during irradiation and being dissolved in a subsequent developer, and a solvent containing a monovalent alcohol having 6 or less carbon atoms and not causing intermixing with the photoresist film, wherein the resin comprises a recurring unit having a fluorine atom-containing group on the side chain, wherein the recurring unit having a fluorine

on the side chain containing the fluoroalkyl group on at least the carbon atom of  $\alpha$ -position.

atom-containing group on the side chain is the recurring unit having an alcoholic hydroxyl group

5. (Currently Amended) The immersion upper layer film composition according to claim 1[[3]], wherein the recurring unit having an alcoholic hydroxyl group on the side chain containing the fluoroalkyl group on at least the carbon atom of  $\alpha$ -position comprises a recurring unit of the following formula (1),

$$CH_{2}-C$$

$$C=0$$

$$C=0$$

$$R^{2}$$

$$F_{3}C-C$$

$$OH CF_{3}$$

$$(1)$$

wherein R<sup>1</sup> represents a hydrogen atom or a methyl group, and R<sup>2</sup> represents an organic group.

- 6. (Original) The immersion upper layer film composition according to claim 5, wherein the organic group is a divalent hydrocarbon group.
- 7. (Previously Presented) The immersion upper layer film composition according to claim 6, wherein the divalent hydrocarbon group consists of an alkylene group having 1 to 4 carbon atoms and an alicyclic hydrocarbon group, the alkylene group being located between the alicyclic hydrocarbon group and a bistrifluoromethyl—hydroxy-methyl group.

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- 8. (Original) The immersion upper layer film composition according to claim 6, wherein the divalent hydrocarbon group is a hydrocarbon group having a 2,5-norbornylene group, or a 1,2-propylene group.
- 9. (Previously Presented) The immersion upper layer film composition according to claim 1, wherein the resin is an alkali-soluble resin dissolved in an alkaline aqueous solution during development using the alkaline aqueous solution.
  - 10. (Canceled)
  - 11. (Canceled)
- 12. (Original) The immersion upper layer film composition according to claim 1, wherein the solvent containing a monovalent alcohol having 6 or less carbon atoms is a solvent containing at least 65 wt% or more of the monovalent alcohol having 6 or less carbon atoms.
- 13. (Original) The immersion upper layer film composition according to claim 12, wherein the monovalent alcohol having 6 or less carbon atoms is at least one monovalent alcohol selected from 2-propanol, 1-butanol, 2-butanol, 2-methyl-2-propanol, 3- methyl-2-pentanol and 4-methyl-2-pentanol.
- 14. (Original) A method to form a photoresist pattern comprising the steps of; forming a photoresist film by applying the photoresist on a substrate, forming an upper layer film on the photoresist film, and forming a resist pattern by exposure with radiation through a predetermined

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mask pattern with water and development, wherein the process of forming the upper layer film is the process by using the immersion upper layer film composition according to claim 1.